

IFW AF 1651

**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)**

Docket No.
112843-032

In Re Application Of: **Reniero et al.**

AUG 09 2004

Application No.

09/936,542

Filing Date

Sept. 10, 2001

Examiner

D. Ware

Customer No.

29157

Group Art Unit

1651

Confirmation No.

7122

Invention: **LACTOBACILLUS STRAINS CAPABLE OF PREVENTING DIARRHOEA CAUSED BY
PATOGENIC BACTERIA AND ROTAVIRUSES**

COMMISSIONER FOR PATENTS:

This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of **April 6, 2004** in the above-identified application.

Date

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **April 6, 2004** finally rejecting Claim(s) **1-2, 4-22**

Applicant(s) hereby request(s) an extension of time of (check desired time period):

☒ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: **July 6, 2004** until: **August 6, 2004**
Date *Date*

The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:

08/10/2004 HALI11 00000045 09936542

Fee for Notice of Appeal: \$330.00

01 FC:1401 330.00 OP
02 FC:1251 110.00 OP

Fee for Extension of Time: \$110.00

TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: \$440.00

The fee for the Notice of Appeal and extension of time is to be paid as follows:

☒ A check in the amount of **\$440.00** for the Notice of Appeal and extension of time is enclosed.

☐ Please charge Deposit Account No. _____ in the amount of _____

☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **02-1818**

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☐ Any patent application processing fees under 37 CFR 1.17.

☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **02-1818**

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TO THE COMMISSIONER FOR PATENTS:

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:



Signature

Dated: August 4, 2004

Thomas C. Basso
Reg. No. 46,541
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Certificate of Transmission by Facsimile*

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) on _____
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Certificate of Mailing

I certify that this document and fee is being deposited on **08-04-04** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Renee Street

Typed or Printed Name of Person Mailing Correspondence

CC: